

# RECANVASS PROCEDURE MANUAL

(For Marksense Voting Machines (Accu-Vote ES-2000)

*(Includes Provisional Ballot Return Forms)*



OCTOBER 30, 2007

SECRETARY OF THE STATE  
OF CONNECTICUT

(Rev. 10/07)

## **RECANVASS PROCEDURE MANUAL**

### **For Marksense Voting Machines (Accu-Vote ES-2000)**

#### **I. INTRODUCTION**

A recanvass of the vote in an election or primary may occur in one of three ways:

##### **A. DISCREPANCY RECANVASS**

The moderator (or head moderator in towns divided into voting districts) may call for a recanvass of the machine counted ballots, and/or the hand counted ballots, and/or absentee ballots and/or write-in ballots if he determines there is a discrepancy in the returns of any voting district in an election or primary. (§ 9-311)

##### **B. CLOSE VOTE RECANVASS**

After any election or primary, when the plurality of an elected candidate (in an election) or nominated candidate (in a primary) for a single opening office over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast for the office but not more than two thousand votes (or, in the case of a primary, not more than one thousand votes), or (2) less than twenty votes, there shall be a recanvass of the returns unless such defeated candidate or defeated candidates, as the case may be, for such office file a written statement waiving this right to a recanvass. In the case of a multiple-opening office, "the total number of votes cast for the office" means the total number of electors checked as having voted in the state, district, municipality or political subdivision, as the case may be. In the case of municipal office, town committee or delegates, the written statement waiving this right to recanvass must be filed with the municipal clerk. In the case of a state or district office or district delegates, the waiver must be filed with the Secretary of the State. A waiver of this right to a recanvass after a primary must be filed within one day after the primary. (§§ 9-311a, 9-445)

##### **C. TIE VOTE RECANVASS**

After any election, if there is a tie vote for any office, there shall be a recanvass of the returns for such office, unless all but one of the candidates receiving an equal number of votes dies, withdraws his name, or becomes disqualified to hold office. (§ 9-311b)

After a primary for a state or district office or district delegates, if two or more candidates obtain the same number of votes, the Secretary of the State will give notice for a recanvass under §9-445 and if the recanvass results in a tie vote, the tie will be resolved by an adjourned primary. (§9-446) If a primary for municipal office, town committee or delegates results in a tie vote, the municipal clerk shall give notice for a recanvass under §9-445, and if the recanvass results in a tie vote, the tie will be resolved by an adjourned primary. (§9-446)

The need for any discrepancy recanvass must be determined by the moderator or head moderator, and the recanvass officials must be summoned not later than three days after the election or primary. Any recanvass (discrepancy, close vote or tie vote) must be held not later than the fifth business day after the election or primary.

#### **D. CLOSE QUESTION RECANVASS PROCEDURES**

After any election or referendum where the difference between the "Yes" and "No" vote on a question was less than one-half of one per cent of the total votes cast for the question, but not more than two thousand votes, the moderator must institute a recanvass. Where there is a tabulation of a regional district as a whole, there is a recount only if the difference between the "Yes" and "No" votes for the whole regional district comes within this margin. The procedure to be followed should be the same as is practicable as the procedure followed for a discrepancy, close vote or tie vote recanvass. (§ 9-370a)

#### **E. PROCEDURES**

The procedure for a recanvass after an election or primary for any office is set forth in §9-311. The notice provisions vary depending on the office to be recanvassed. Impoundment procedures, return forms, procedure for recanvass, and preparation of recanvass returns are applicable in any recanvass.

This manual describes the recanvass procedures to be followed. Suggested forms for use in connection with a recanvass of a primary or election are included with this manual. In addition, the text of all relevant statutes are included.

## **II. NOTICE OF RECANVASS**

### **A. DISCREPANCY RECANVASS**

1. For Elections and Primaries for all offices: Moderator (as defined in the last sentence of §9-311) within three days after the election or primary must determine if there is a discrepancy in the returns of any voting district and if so, summon recanvass officials and notify town chairmen as provided below.
2. In a discrepancy recanvass, the recanvass may be limited by the moderator to those machine counted ballots, and/or hand counted ballots, and/or absentee ballots, and/or write-in ballots in which there appears to the moderator to be a discrepancy. (§9-311)

### **B. CLOSE VOTE OR TIE VOTE RECANVASS**

#### **1. FOR ELECTION OR PRIMARIES FOR STATE OR DISTRICT OFFICE:**

The Secretary of the State notifies the municipal clerks in the state or district, as the case may be, of the state and/or district offices which qualify for an automatic recanvass. The municipal clerk notifies the moderator of recanvass; moderator

summons recanvass officials and notifies town chairmen and candidates as provided below.

**2. FOR ELECTIONS OR PRIMARIES FOR MUNICIPAL OFFICE OR ELECTION OF MEMBERS OF A TOWN COMMITTEE:**

Municipal Clerk promptly notifies moderator (as defined in the last sentence of §9-311) of recanvass; moderator summons recanvass officials and notifies town chairmen and candidates as provided below.

**3. MULTIPLE-OPENING OFFICE**

When a recanvass of the returns for a multiple-opening office is conducted, the returns for all candidates for all openings for the office must be recanvassed. (§§9-311a, 9-311b, 9-445, 9-446)

**III. NOTICE TO RECANVASS OFFICIALS**

For elections and primaries for all offices

**A. RECANVASS OFFICIALS**

Recanvass officials are: the moderator, the registrars of voters (or the registrar of voters, in a primary); the municipal clerk; at least two official checkers of opposing political parties (or opposing sides, in a primary); at least two absentee ballot counters of opposing political parties who served at such election (or opposing sides in a primary); and at least two ballot clerks of opposing political parties. Although a recanvass official, the municipal clerk has fulfilled their duty as an official once the appropriate materials (that have been in the possession of the municipal clerk) have been delivered for use during the recanvass.

**B. SUBSTITUTES**

If any such recanvass officials are unavailable at the time of recanvass, the registrar of voters of the same political party as that of the recanvass official unable to attend shall designate another elector who has previous training and experience in the conduct of elections to serve as a recanvass official. The municipal clerk can be replaced by their assistant or their designee.

**C. DELIVERY OF NOTICE**

The moderator must forthwith summon the recanvass officials by written notice delivered personally.

## **D. CONTENTS OF NOTICE**

### **1. REQUIRE MUNICIPAL CLERK AND / OR REGISTRAR OF VOTERS TO BRING (DEPENDENT ON WHO HAS THE MATERIAL):**

- i. the tabulators with a memory card still sealed in them.
- ii. the sealed ballot transfer cases for each voting district, which contain:
  - all machine counted ballots,
  - the sealed depository envelopes containing the hand-counted absentee ballots; notes, worksheets and other written materials used in the absentee ballot counting procedures; and the Moderator's Record of Absentee Ballot Count for Candidates;
  - the sealed depository envelopes containing the counted ballots from the auxiliary bin; notes, worksheets and other written materials used in counting the ballots from the auxiliary bin (if any);
  - the sealed depository envelopes containing the counted ballots from the write-in bin; notes, worksheets and other written materials used in counting the ballots from the write-in bin;
- iii. the sealed depository envelopes containing rejected absentee ballots and discarded inner and outer envelopes;
- iv. the absentee ballot applications;
- v. the list of absentee ballot applicants as provided in §9-140;
- vi. the check list;
- vii. the moderator's returns, including the central absentee ballot counting moderator's return, if applicable;
- viii. replacement seals;
- ix. challenge ballots, provisional ballots, presidential ballots and all other materials.

### **2. REQUIRE THE RECANVASS OFFICIALS TO MEET AT A SPECIFIED TIME NOT LATER THAN THE FIFTH BUSINESS DAY AFTER ELECTION**

Require the recanvass officials to meet at a specified time not later than the fifth business day after the election or primary to recanvass the returns of all (or some in the case of a discrepancy recanvass) voting machines and absentee ballots and write-in ballots (in an election only) as to the office(s) for which recanvass is being made.

## **E. NOTICE TO TOWN CHAIRMEN**

The moderator must also give written notice to the chairman of the town committee of each political party which nominated candidates for the election, or to the chairman of the town committee of the party holding the primary, stating the time and place where the recanvass is to be made. Each chairman may send two representatives to be present at the recanvass. The representatives may observe the recanvass, but may not participate in the recanvass.

## **F. NOTICE TO CANDIDATES**

In the case of a close vote or tie vote recanvass in an election or primary for municipal office or election of members of a town committee or delegates to a convention, the moderator must also, before the recanvass is made, give written notice of the time and place of the recanvass to each candidate. (§§9-311a, 9-311b, 9-445, 9-446)

## **IV. IMPOUNDMENT OF BALLOTS, MEMORY CARDS, TABULATING MACHINES AND WRITTEN MATERIALS**

Immediately after it is determined that a discrepancy recanvass (§9-311) or a close or tie vote recanvass (§§9-311a, 9-311b) is to be held for an election or primary for any office, the municipal clerk must impound the official check list and the moderator's returns and the registrar of voters must impound the sealed ballot transfer cases, the ballots, the tabulating machines with the memory card sealed in place, write-in ballot materials, absentee ballot materials, and all other notes, worksheets or written materials used in the election or primary to be recanvassed.

### **A. IMPOUNDMENT PROCEDURES**

1. THE FOLLOWING DOCUMENTS AND WRITTEN MATERIALS, MEMORY CARDS AND TABULATORS MUST BE SECURED:
  - i. the tabulating machines, with the memory card still sealed in them, for all voting districts
  - ii. the sealed ballot transfer cases for each voting district, which contain:
    - all machine counted ballots;
    - the sealed depository envelopes containing the hand-counted absentee ballots; notes, worksheets and other written materials used in the absentee ballot counting procedures; and the Moderator's Record of Absentee Ballot Count for Candidates;
    - the sealed depository envelopes containing the counted ballots from the auxiliary bin; notes, worksheets and other written materials used in counting the ballots from the auxiliary bin (if any) ;
    - the sealed depository envelopes containing the counted ballots from the write-in bin; notes, worksheets and other written materials used in counting the ballots from the write-in bin;
  - iii. the sealed depository envelopes containing rejected absentee ballots and discarded inner and outer envelopes, and any impounded documents not in a sealed and locked ballot transfer case must be sealed. The sealed and locked ballot transfer cases, the tabulating machines with the memory card sealed in place must be stored in a secure location by the registrars of voters. The transfer cases and the tabulating machines may not be removed from the secure location until the time of the recanvass.
2. MODERATOR'S RETURNS AND THE CHECK LISTS AVAILABLE FOR PUBLIC INSPECTION.

The moderator's returns and the check lists used at the polling places and central counting location, if absentee ballot counting is conducted at a central location, must be available for public inspection. The municipal clerk must secure the moderator's returns and check lists in a locked file cabinet or drawer to which the municipal clerk only has access. The municipal clerk must maintain a log of all public inspections, noting the document, the date, time and name of each person inspecting such documents. All public inspections must be conducted in full view of the municipal clerk or his assistant.

## V. PROCEDURE FOR RECANVASS

### A. RECANVASS OF MACHINE COUNTED BALLOTS, HAND COUNTED BALLOTS, AND WRITE-IN BALLOTS

#### 1. GENERAL PROCEDURES AND RECOUNT OF MARKSENSE VOTING MACHINES BALLOTS

- The Head Moderator (or Moderator in a town with a single voting district) is in charge of the recanvass. The recanvass officials are the moderator, the registrars of voters (or the registrar of voters, in a primary); the municipal clerk; at least two official checkers of opposing political parties (or opposing sides, in a primary); at least two absentee ballot counters of opposing political parties who served at such election (or opposing sides in a primary); and at least two ballot clerks of opposing political parties. Although a recanvass official, the municipal clerk has fulfilled their duty as an official once the appropriate materials (that have been in the possession of the municipal clerk) have been delivered for use during the recanvass.
- (a) The registrars of voters must provide tally sheets and moderator's returns, including, in towns where absentee ballots were counted at a central location, the special central counting tally sheets and the central counting moderator's return. The same forms for tally sheets and moderator's returns used at the original canvass, adjusted as necessary, must be used for the recanvass.
- (b) All recanvass procedures shall be open to public observation, however, no member of the public can actively participate or interfere with the conduct of the recanvass.
- (c) The recanvass officials shall, in the presence of the moderator make a record of the number on the seals on the tabulator carrying case (or outer most sealed container holding the tabulator) and ballot transfer case and indicate whether they are unbroken.
- (d) The recanvass officials shall break the seal of the ballot transfer case and begin the recount required by law for that voting district.
- (e) Two recanvass officials of opposing political parties shall open the depository envelopes containing the **absentee ballots** which were **handcounted on election day**, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in labeled depository envelopes.

- (f) Two recanvass officials of opposing political parties shall open the packages of depository envelopes containing the ballots from the **election day write-in bin**, hand count the votes for the offices and question subject to the recanvass, record them on the tally sheets and reseal them in labeled depository envelopes. In an office subject to the recanvass, count a write-in vote cast for a registered write-in candidate, a write-in vote cast for a candidate whose name is printed on the ballot for that office, and votes for candidates nominated for that office.
- (g) Two recanvass officials of opposing political parties shall open the depository envelope containing the hand-counted ballots from the **auxiliary bin**, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in a labeled depository envelope.
- (h) The recanvass officials of opposing political parties shall remove all other ballots in the ballot transfer case, hand count the votes for the offices and questions subject to recanvass, record them on the tally sheets and reseal them in the ballot transfer case.
- (i) The recanvass officials must, in the presence of the moderator and registrars of voters, open the depository envelopes containing the discarded outer and inner envelopes and rejected absentee ballots. The recanvass officials must check all absentee ballot outer envelopes against absentee ballot inner envelopes and against the check list to verify postmarks, addresses and check list markings and to verify that the number of outer and inner absentee ballot envelopes is the same as the number of persons checked as having voted by absentee ballot. Such materials shall then be resealed in their depository envelopes.
- (j) The Head Moderator shall complete the “Recanvass / Provisional Ballot Return Form” for each office and question subject to recanvass and announce the results. Such form must contain a written statement giving the result of the recanvass for each machine and each package of absentee ballots, setting forth whether or not the original canvass was correctly made and, in a discrepancy recanvass, stating whether the discrepancy still remains unaccounted for. Appended to the return forms must be a statement signed by the moderator indicating the time and place of the recanvass and the name, addresses, title and party affiliations (in an election) of the recanvass officials. All ballots shall be sealed in the manner in which they were on election night, shall be placed in the ballot transfer case and a new seal attached to the case.
- (k) The seal numbers on the ballot transfer case must be recorded. (Regs. 9-242a-28)

## 2. COMPLETION OF THE RECANVASS

- Upon the completion of the recanvass, the sealed ballot transfer cases and all previously impounded material shall immediately be returned to the registrars of voters and municipal clerk respectively. The tabulators, memory cards and other materials shall be sealed for 14 days after the election or primary unless otherwise ordered by a court of competent jurisdiction, the Secretary of the State or the State Elections Enforcement Commission. The sealed ballot transfer case shall be sealed for the period of time required for absentee ballots.
- The tally sheets and moderator's returns (with elections results reports attached) must be filed by the moderator in the office of the registrar of voters who shall file them subsequently with the municipal clerk. If the recanvass reveals that the original canvass of returns was not correctly made, the return forms filed with the municipal clerk will constitute a corrected return.

## **B. MODERATOR'S RETURN TO SECRETARY OF THE STATE**

Upon completion of the recanvass, two original recanvass returns shall be made both on a form prescribed and provided by the Secretary of the State, and the moderator shall file one copy with the Secretary of the State and one copy with the municipal clerk not later than ten days after the election or primary. Such recanvass return shall be substituted for the original return and shall have the same force and effect as an original return.

If a Federal Office is on the ballot, the Head Moderator must include information regarding provisional ballots on the recanvass return. As part of the return the Head Moderator shall provide the number of provisional ballots received, counted and rejected as reported by the registrar of voters. This information can be obtained from the report filed by the registrar of voters with the municipal clerk.

In addition, the Head Moderator shall provide: 1) the offices involved, 2) indicate (in the column provided) if any recount was conducted for such office, 3) the candidates involved, 4) party, 5) the total number of provisional ballot votes cast for each candidate, and 6) the total number of votes for each candidate including the number of votes cast by provisional ballot, write-in and any changes to the total votes of such candidate as a result of any recount conducted.

**IMPORTANT:** It is important to remember that even if no recount was conducted, the Head Moderator must still file a corrected return with the Municipal Clerk and Secretary of the State indicating the results of any provisional ballots cast at the election or primary.

Form I (Rev. 7/95)  
PRIMARY

From the Office of the Secretary of the State  
30 Trinity Street Hartford CT 06106

SUGGESTED FORM

Letter to Moderator from Municipal Clerk informing him of  
Recanvass on Close Vote (§9-445) or Tie Vote (§9-446)

Dear \_\_\_\_\_:

This is to officially inform you that there will be a recanvass of the vote for the office of  
\_\_\_\_\_ that was contested at the \_\_\_\_\_ primary; said recanvass  
(date of primary)

to occur pursuant to:  §9-445, recanvass on close vote  
 §9-446, recanvass on tie vote.

The recanvass will review the machine vote and absentee vote for this office, and no others.

You must set the time and place of the recanvass, but it must be held not later than the  
fifth business day after the primary.

Sincerely,

\_\_\_\_\_  
Municipal Clerk

(ED-631a - Municipal Clerk to Moderator, Primary)

Form II (Rev. 7/86)  
PRIMARY

From the Office of the Secretary of the State  
30 Trinity Street Hartford CT 06106

SUGGESTED FORM

Summons

To: (Names of recanvass officials)

By authority of the State of Connecticut, vested in me by virtue of §§9-311 and 9-445 of  
the Connecticut General Statutes, you are hereby summoned to meet at \_\_\_\_\_,  
(place)  
\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
(address)  
at \_\_\_\_\_ to recanvass the returns of the voting machines and absentee ballots, used in the  
(time)

\_\_\_\_\_ voting districts in the Primary for the office of  
(number)

in the Town/City/Borough of \_\_\_\_\_, on \_\_\_\_\_,  
(date of primary)

and thence to the several voting districts of this Municipality where voting machines in use  
\_\_\_\_\_ are stored.  
(date of primary)

Dated at \_\_\_\_\_, Connecticut, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

To any individual to deliver personally.

\_\_\_\_\_  
Moderator/Head Moderator

(ED-631b - Summons)

PRIMARY

From the Office of the Secretary of the State  
30 Trinity Street Hartford, CT 06106

SUGGESTED FORM

Notice of Recanvass in Case of Discrepancy (§§9-311, 9-381a)

TOWN \_\_\_\_\_  
DATE \_\_\_\_\_

To: (Town Chairman of Party Holding the Primary)  
(Secretary of the State)\*

Notice is hereby given to you pursuant to §9-311 and §9-381a of the Connecticut General Statutes, that on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, a recanvass of the returns of the voting machines and absentee ballots, used in the (time) \_\_\_\_\_ voting districts in the Primary for the office of \_\_\_\_\_ (number) in the Town/City/Borough of \_\_\_\_\_ on \_\_\_\_\_, (date of primary) will be held in \_\_\_\_\_, \_\_\_\_\_ (place) (address).

\_\_\_\_\_  
Moderator/Head Moderator

\*Only in the case of a primary for any office on the ballot at a state election.

(ED-631 - Notice of Recanvass, Discrepancy, Primary)

From the Office of the Secretary of the State  
30 Trinity Street Hartford, CT 06106

SUGGESTED FORM

Notice of Recanvass on Close Vote (§9-445) or Tie Vote (§9-446)

TOWN \_\_\_\_\_  
DATE \_\_\_\_\_

To: (Town Chairman of Party Holding the Primary)  
(Candidate)\*

Notice is hereby given to you pursuant to §9-311 and  §9-445 or  §9-446 of the  
Connecticut General Statutes, that on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, at \_\_\_\_\_, a recanvass of the returns of the voting machines and absentee ballots  
(time)  
used in the \_\_\_\_\_ voting districts in the (Town/State) Primary for the office of \_\_\_\_\_  
(number)  
\_\_\_\_\_ in the Town/City/Borough of \_\_\_\_\_ on  
\_\_\_\_\_, will be held in \_\_\_\_\_,  
(date of primary) (place)  
\_\_\_\_\_.  
(address)

\_\_\_\_\_  
Moderator/Head Moderator

\*In the case of a recanvass of a primary for municipal office.

(ED-631c - Notice of Recanvass, Close Vote, Primary)

Form IV (Rev. 9/91)  
PRIMARY

SUGGESTED FORM

Return of Delivery of Notice

To: \_\_\_\_\_, Moderator/Head Moderator  
(Name)

\_\_\_\_\_, Connecticut \_\_\_\_\_  
(Date)

The undersigned hereby certifies that a Summons relative to the Recanvass was delivered personally by me to the following:

Name Address

Official Checker  
Official Checker (at least 2 of different factions in primary day)

Absentee Counter  
Absentee Counter (at least 2 of different factions in primary day)

Ballot Clerk (at least 2 of different factions who served)  
Ballot Clerk

Registrars of Voters  
Municipal Clerk

And a Notice of Recanvass was delivered personally by me to the following:

_____	_____
*Secretary of the State	Address
_____	_____
Town Chairman of Party Holding the Primary	Address
_____	_____
**Candidate	Address
_____	_____
**Candidate	Address
_____	_____
**Candidate	Address

By placing a copy in the hands of each of the foregoing persons, or by leaving a copy of the foregoing at the place of abode of the foregoing persons.

\_\_\_\_\_  
Name

\* In the case of a primary for any office on the ballot at the state election. Such Notice to the Secretary of the State may be delivered personally or by mail.

\*\* In the case of a close vote or tie vote recanvass of a primary for municipal office.

**TO: Secretary of the State**  
**30 Trinity Street**  
**Hartford, Connecticut 06106**  
**Attention: Election Services Division**

Town        }  
City of     }  
Borough    }

**Date of Recanvass / Provisional Ballot Count:** \_\_\_\_\_

<b>Number of Provisional Ballots: Received</b> _____ <b>Counted</b> _____ <b>Rejected</b> _____
---

I certify that on the date above, a recanvass/provisional ballot count was made of the votes cast at the

\_\_\_\_\_  REPUBLICAN  DEMOCRATIC **Primary**  
(date of primary)

for the office(s) specified below, and that at said recanvass/provisional ballot count the following candidates received the number of votes indicated:

OFFICE(S)	C A N D I D A T E S	ORIGINAL VOTE TOTAL	TOTAL PROVISIONAL BALLOT VOTE	VOTE TOTAL AFTER RECOUNT (INCLUDING PROVISIONAL BALLOTS)

A copy of this return has been filed with the clerk of the town.

The original canvass was  was not  correctly made.

\_\_\_\_\_  
**Signature of Recanvass Moderator**

(ED-653a/PR - Recanvass Return Form)

Form I (Rev. 7/95)  
ELECTION

From the Office of the Secretary of the State

30 Trinity Street Hartford, CT 06106

SUGGESTED FORM

Letter to Moderator from Municipal Clerk informing him of  
Recanvass on Close Vote (§9-311a) or Tie Vote (§9-311b)

Dear \_\_\_\_\_:

This is to officially inform you that there will be a recanvass of the vote for the office of

\_\_\_\_\_ that was contested at the \_\_\_\_\_ election; said  
(date of election)

recanvass to occur pursuant to  §9-311a, recanvass on close vote  
 §9-311b, recanvass on tie vote.

The recanvass will review the machine vote, absentee vote and write-in ballots for this office,  
and no others.

You must set the time and place of the recanvass, but it must be held not later than the fifth  
business day after the election.

Sincerely,

\_\_\_\_\_  
Municipal Clerk

(ED-631e - Municipal Clerk to Moderator, Election)



Form IIIa (Rev. 7/95)  
ELECTION

From the Office of the Secretary of the State  
30 Trinity Street, Hartford CT 06106

SUGGESTED FORM

Notice of Recanvass in Case of Discrepancy (§9-311)

TOWN \_\_\_\_\_

DATE \_\_\_\_\_

To: (Town Chairman (R))  
(Town Chairman (D))  
(Town Chairman (Other))  
(Secretary of the State)\*

Notice is hereby given to you pursuant to §9-311 of the Connecticut General Statutes, that on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_, a recanvass  
(time)  
of the returns of the voting machines and/or absentee ballots and/or write-in ballots used in the  
\_\_\_\_\_ voting districts in the Election for the office of \_\_\_\_\_ in the  
(number)  
Town/City/Borough of \_\_\_\_\_ on \_\_\_\_\_, will be held in  
(date of election)  
\_\_\_\_\_, \_\_\_\_\_.  
(place) (address)

\_\_\_\_\_  
Moderator/Head Moderator

\*Only in the case of any office at a state election

(ED-631g - Notice of Recanvass, Discrepancy, Election)

Form IIIb (Rev. 7/95)  
ELECTION

From the Office of the Secretary of the State  
30 Trinity Street, Hartford CT 06106

SUGGESTED FORM

Notice of Recanvass on Close Vote (§9-311a) or Tie Vote (§9-311b)

TOWN \_\_\_\_\_

DATE \_\_\_\_\_

To: (Town Chairman (R) )  
(Town Chairman (D) )  
(Town Chairman (Other) )  
(Candidate\* )

Notice is hereby given to you pursuant to §9-311a/ §9-311b of the Connecticut General Statutes,  
that on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_,  
(time)  
a recanvass of the returns of the voting machines, absentee ballots, and write-in ballots used in the  
\_\_\_\_\_ voting districts in the Election for the office of \_\_\_\_\_ in the  
(number)  
Town/City/Borough of \_\_\_\_\_ on \_\_\_\_\_, will be held in  
(date of election)  
\_\_\_\_\_, \_\_\_\_\_.  
(place) (address)

\_\_\_\_\_  
Moderator/Head Moderator

\*In the case of a recanvass of a municipal office.

(ED-631h - Notice of Recanvass, Close Vote, Election)

Form IV (Rev. 7/95)  
ELECTION

**SUGGESTED FORM  
RETURN OF SERVICE**

To: \_\_\_\_\_, Moderator/Head Moderator  
(Name)  
\_\_\_\_\_, Connecticut \_\_\_\_\_  
(Date)

The undersigned hereby certifies that a Summons relative to the Recanvass was delivered personally by me to the following:

<u>Name</u>	<u>Address</u>
Official Checker Official Checker (at least 2 of different parties in an election)	
Absentee Counter Absentee Counter (at least 2 of different parties in an election)	
Ballot Clerk (at least 2 different parties in an election) Ballot Clerk	
Registrars of Voters Registrars of Voters Municipal Clerk	

And a Notice of Recanvass was delivered personally by me to the following:

_____ *Secretary of the State	_____ Address
_____ Town Chairman (R)	_____ Address
_____ Town Chairman (D)	_____ Address
_____ Town Chairman (Other)	_____ Address
_____ **Candidate	_____ Address
_____ **Candidate	_____ Address
_____ **Candidate	_____ Address

By placing a copy in the hands of each of the foregoing persons, or by leaving a true copy of the foregoing at the place of abode of the foregoing persons.

\_\_\_\_\_  
Name

\* In the case of a state election. Such notice to the Secretary of the State may be delivered personally or by mail.  
\*\* In the case of a close vote or tie vote recanvass of a municipal office



## GENERAL STATUTES

**Sec. 9-310. Locking of machine by moderator.** As soon as the count is completed and the moderator's return required under the provisions of section 9-259 has been executed, the moderator shall place the sealed tabulator in the tabulator bag, and so seal the bag, and the tabulator shall remain so sealed against voting or being tampered with for a period of fourteen days, except as provided in section 9-311 or pursuant to an order issued by the State Elections Enforcement Commission. If it is determined that a recanvass is required pursuant to section 9-311 or 9-311a, immediately upon such determination the tabulators, write-in ballots, absentee ballots, moderators' returns and all other notes, worksheets or written materials used at the election shall be impounded at the direction of the Secretary of the State. Such package shall be preserved for one hundred eighty days after such election and may be opened and its contents examined in accordance with section 9-311 or upon an order of a court of competent jurisdiction. At the end of one hundred eighty days, unless otherwise ordered by the court, such package and its contents may be destroyed. Any person who unlocks the voting or operating mechanism of the tabulator or the counting compartment after it has been locked as above directed or breaks or destroys or tampers with the seal after it has been affixed as above directed or changes the indication of the counters on any voting tabulator within fourteen days after the election or within any longer period during which the tabulator is kept locked as ordered by a court of competent jurisdiction or by the State Elections Enforcement Commission in any special case, except as provided in section 9-311, shall be imprisoned for not more than five years. Any tabulator may be released in less than fourteen days, for use in another election, by order of a court, if there is no disagreement as to the returns from such machine and no order directing impoundment has been issued by the State Elections Enforcement Commission.

**Sec. 9-311. Recanvass in case of discrepancy.** (a) If, within three days after an election, it appears to the moderator that there is a discrepancy in the returns of any voting district, such moderator shall forthwith within said period summon, by written notice delivered personally, the recanvass officials, consisting of the mechanic or mechanics, at least two checkers of different political parties and at least two absentee ballot counters of different political parties who served at such election, and the registrars of voters and the clerk of the municipality in which the election was held. Such written notice shall require such clerk to bring with him the depository envelopes required by section 9-150a, the package of write-in ballots provided for in section 9-310, the absentee ballot applications, the list of absentee ballot applications, the registry list and the moderators' returns and shall require such recanvass officials to meet at a specified time not later than the fifth business day after such election to recanvass the returns of a voting machine or voting machines or absentee ballots or write-in ballots used in such district in such election. If any of such recanvass officials are unavailable at the time of the recanvass, the registrar of voters of the same political party as that of the recanvass official unable to attend shall designate another elector having previous training and experience in the conduct of elections to take his place. Before such recanvass is made, such moderator shall give notice, in writing, to the chairman of the town committee of each political party which nominated candidates for the election, and, in the case of a state election, to the Secretary of the State, of the time and place where such recanvass is to be made; and each such chairman may send two representatives to be present at such recanvass. Such representatives may observe, but no one other than a recanvass official may take part in the recanvass. If any irregularity in the recanvass procedure is noted by such a representative, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

(b) The moderator shall determine the place or places where the recanvass shall be conducted and, if such recanvass is held before the machines are boxed and collected in the manner required by section 9-266, the moderator may either require that such recanvass of such machines be conducted in each place where the machines are located, or he may require that they be removed to one central place, where such recanvass shall be conducted. All recanvassing procedures shall be open to public observation. Such recanvass officials shall, in the presence of such moderator and clerk, make a record of the number on the seal and number on the protective counter, if one is provided, on each voting machine specified by such

moderator. Such clerk in the presence of such moderator shall turn over the keys of each such machine to such recanvass officials, and such recanvass officials, in the presence of such clerk and moderator, shall immediately proceed to open the counter compartment of each such machine and, without unlocking such machine against voting, recanvass the vote cast thereon, and shall then open the package of absentee ballots and recanvass the vote cast thereon. In the course of the recanvass of the absentee ballot vote the recanvass officials shall check all outer envelopes for absentee ballots against the inner envelopes for such ballots and against the registry list to verify postmarks, addresses and registry list markings and also to determine whether the number of envelopes from which absentee ballots have been removed is the same as the number of persons checked as having voted by absentee ballot. The write-in ballots shall also be recanvassed at this time. All of the recanvass officials shall use the same forms for tallies and returns as were used at the original canvass and the absentee ballot counters shall also sign the tallies.

(c) The votes shall be announced and recorded in the manner prescribed in section 9-309 on return forms provided by the municipal clerk and appended thereto shall be a statement signed by the moderator indicating the time and place of the recanvass and the names, addresses, titles and party affiliations of the recanvass officials. The write-in ballots shall be replaced in a properly secured sealed package. Upon the completion of such recanvass, such machine shall be locked and sealed, the keys thereof shall immediately be returned to such clerk and such machine shall remain so locked until the expiration of fourteen days after such election or for such longer period as is ordered by a court of competent jurisdiction. The absentee ballots shall be replaced in their wrappers and be resealed by the moderator in the presence of the recanvass officials. Upon the completion of such recanvass, such moderator and at least two of the recanvass officials of different political parties shall forthwith prepare and sign such return forms which shall contain a written statement giving the result of such recanvass for each machine and each package of absentee ballots whose returns were so recanvassed, setting forth whether or not the original canvass was correctly made and stating whether or not the discrepancy still remains unaccounted for. Such return forms containing such statement shall forthwith be filed by the moderator in the office of such clerk. If such recanvass reveals that the original canvass of returns was not correctly made, such return forms containing such statement so filed with the clerk shall constitute a corrected return. In the case of a state election, a recanvass return shall be made in duplicate on a form prescribed and provided by the Secretary of the State, and the moderator shall file one copy with the Secretary of the State and one copy with the town clerk not later than ten days after the election. Such recanvass return shall be substituted for the original return and shall have the same force and effect as an original return.

(d) As used in this section, (1) "moderator" means, in the case of municipalities not divided into voting districts, the moderator of the election and, in the case of municipalities divided into voting districts, the head moderator of the election, and (2) "registrars of voters", in a municipality where there are different registrars of voters for different voting districts, means the registrars of voters in the voting district in which, at the last-preceding election, the presiding officer for the purpose of declaring the result of the vote of the whole municipality was moderator.

**Sec. 9-311a. Recanvass on close vote.** For purposes of this section, state, district and municipal offices shall be as defined in section 9-372 except that the office of presidential elector shall be deemed a state office. Forthwith after a regular or special election for municipal office, or forthwith upon tabulation of the vote for state and district offices by the Secretary of the State, when at any such election the plurality of an elected candidate for an office over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast for the office but not more than two thousand votes, or (2) less than twenty votes, there shall be a recanvass of the returns of the voting machine or voting machines and absentee ballots used in such election for such office unless such defeated candidate or defeated candidates, as the case may be, for such office file a written statement waiving this right to such canvass with the municipal clerk in the case of a municipal office, or with the Secretary of the State in the case of a state or district office. In the case of state and district offices, the Secretary of the State upon tabulation of the votes for such

offices shall notify the town clerks in the state or district, as the case may be, of the state and district offices which qualify for an automatic canvass and shall also notify each candidate for any such office. When a canvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to cause a canvass of such returns of the office in question in the same manner as is provided in said section 9-311. In addition to the notice required under section 9-311, the moderator shall before such canvass is made give notice in writing of the time when, and place where, such canvass is to be made to each candidate for a municipal office which qualifies for an automatic canvass under this section. Nothing in this section shall preclude the right to judicial proceedings on behalf of a candidate under any provision of chapter 149. For the purposes of this section, "the total number of votes cast for the office" means in the case of multiple openings for the same office, the total number of electors checked as having voted in the state, district, municipality or political subdivision, as the case may be. When a canvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the returns for all candidates for all openings for the office shall be canvassed. No one other than a canvass official shall take part in the canvass. If any irregularity in the canvass procedure is noted by a candidate, he shall be permitted to present evidence of such irregularity in any contest relating to the election.

**Sec. 9-311b. Canvass on tie vote.** If the electors fail to elect a candidate for any office by reason of an equality of votes at any election, there shall be a canvass of the returns for such office unless, prior to the time of such canvass, all but one of the candidates so receiving an equal number of votes dies, withdraws his name or for any reason becomes disqualified to hold such office.

**Sec. 9-370a. Canvass on close question vote.** In the case of an election or referendum wherein the difference between the "Yes" and "No" vote on a question was less than one-half of one per cent of the total number of votes cast for the question but not more than two thousand votes, the moderator shall proceed forthwith to cause a canvass of such returns to be made as nearly as may be in the manner provided in section 9-311. In the case of a regional school district referendum where there is a tabulation of the vote as a whole, the moderators in the district shall proceed forthwith to cause such canvass to be made upon such tabulation.

**Sec. 9-445. Canvass on close vote.** Forthwith after a primary for nomination to a municipal office or for election of members of a town committee, or forthwith upon tabulation of the vote for a state or district office by the Secretary of the State when the plurality of an elected or nominated candidate over the vote for a defeated candidate receiving the next highest number of votes was either (1) less than a vote equivalent to one-half of one per cent of the total number of votes cast at the primary for the office or position but not more than one thousand votes, or (2) less than twenty votes, there shall be a canvass of the returns of the voting machine or voting machines used in such primary for said office or position unless within one day after the primary, in the case of nomination to a municipal office or for election of members of a town committee, or prior to the time the Secretary of the State notifies the town clerk of state and district offices which qualify for an automatic canvass, the defeated candidate or defeated candidates, as the case may be, for such office or position file a written statement waiving this right to such canvass with the municipal clerk in the case of a municipal office or town committee, or with the Secretary of the State in the case of a state or district office. In the case of a state or district office, the Secretary of the State upon tabulation of the votes for such an office shall notify the town clerks in the state or district, as the case may be, of the state and district offices which qualify for an automatic canvass and shall also notify each candidate for any such office. When a canvass is to be held the municipal clerk shall promptly notify the moderator, as defined in section 9-311, who shall proceed forthwith to canvass such returns of the office in question in the same manner as is provided for a canvass in regular elections, except that the canvass officials shall be divided equally, as nearly as may be, among the candidates for such office. In addition to the notice required under section 9-311, the moderator shall, before such canvass is made, give notice in writing of the time and place of such canvass to each candidate for a municipal office which qualifies for an automatic canvass under this

section. For purposes of this section, "the total number of votes cast at the primary for the office or position" means in the case of multiple openings for the same office or position, the total number of electors checked as having voted in the primary, in the state, district, municipality or political subdivision, as the case may be. When a recanvass of the returns for an office for which there are multiple openings is required by the provisions of this section, the returns for all candidates for all openings for the office shall be recanvassed. Nothing in this section shall preclude the right to judicial proceedings in behalf of such defeated candidate under any provision of this chapter.

**Sec. 9-446. Tie vote.** (a) If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a state or district office, and a tie vote thereby occurs, any of such candidates, or the state chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, such primary shall stand adjourned for three weeks at the same hour at which the first primary was held. Ballot labels of the same form and description as described in section 9-437 shall be used in the primary on such adjourned day, and the primary shall be conducted in the same manner as on the first day, except that the votes shall be cast for such office only. Ballot labels for such primary shall be provided forthwith by the clerk of each municipality wherein such primary stands adjourned, and each such clerk shall furnish the Secretary of the State with an accurate list of all candidates to be voted for at such adjourned primary. The clerk of each municipality in the state or the district, whichever is applicable, wherein such primary so stands adjourned shall, at least three days prior to the day of such adjourned primary, give notice of the day, hours, place and purpose thereof by publishing such notice in a newspaper published in such municipality or having a circulation therein. No such primary shall be held if prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully voted upon as the candidate for such office. No withdrawal shall be valid until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the Secretary of the State. When such a primary is required to be held under the provisions of this section and prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, the Secretary of the State shall forthwith notify the municipal clerk of such fact, and shall forthwith direct the clerk that such primary shall not be held. In the case of a multiple-opening office only the names of those candidates whose votes are equal shall be placed on the ballot label of the adjourned primary. If such second primary results in a tie vote, the Secretary of the State, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the chairperson of the state central committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The Secretary of the State shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office.

(b) If two or more candidates obtain the same number of votes at a primary held to nominate candidates for a municipal office or to elect members of a town committee, or if two or more slates of candidates obtain the same number of votes at a primary held for justices of the peace, and a tie vote thereby occurs, any of such candidates, or the town chairman of the political party, may apply for a recanvass of the returns in the manner provided in section 9-445. If no such application is made, or if any such recanvass results in a tie vote, such primary shall stand adjourned for three weeks at the same hour at which the first primary was held. Ballot labels of the same form and description as described in section 9-437 shall be used in the primary on such adjourned day, and the primary shall be conducted in the same manner as on the first day, except that the votes shall be cast for such office only. Ballot labels for such primary shall be provided forthwith by the clerk of the municipality wherein such primary stands adjourned, and such clerk shall furnish the Secretary of the State with an accurate list of all candidates to be voted for at such adjourned primary. The clerk of the municipality wherein such primary so stands

adjourned shall, at least three days prior to the day of such adjourned primary, give notice of the day, hours, place and purpose thereof by publishing such notice in a newspaper published in such municipality or having a circulation therein. No such primary shall be held if prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, and, in such event, the remaining candidate shall be deemed to be lawfully voted upon as the candidate for such office. No withdrawal shall be valid until the candidate who has withdrawn has filed a letter of withdrawal signed by such candidate with the municipal clerk. When such a primary is required to be held under the provisions of this section and prior to such primary all but one of the candidates for such office die, withdraw their names or for any reason become disqualified to hold such office, the Secretary of the State shall forthwith notify the municipal clerk of such fact, and shall forthwith direct the clerk that such primary shall not be held. In the case of a multiple-opening office only the names of those candidates whose votes are equal shall be placed on the ballot label of the adjourned primary. If such second primary results in a tie vote, the registrar, in the presence of not fewer than three disinterested persons, and after notification to the candidates obtaining the same number of votes and the chairperson of the town committee of the party holding the primary of the time when and the place where such tie vote is to be dissolved, shall dissolve such tie vote by lot. The registrar shall execute a certificate attesting to the result of the dissolution of such tie vote, and the person so certified or the slate so certified as having been chosen by lot shall be deemed to have received a plurality of the votes cast and shall be deemed to have been chosen as the nominee of such party to such office.

**June 30 Sp. Sess. P.A. 03-6, S. 88. Determination of eligibility of provisional ballot applicants to vote. Report. Corrected return.** Immediately after the close of the polls, the moderator shall seal the provisional ballot depository envelope and deliver such envelope to the registrars of voters of the town. The registrars of voters shall forthwith verify the information contained with each provisional ballot. If the registrars of voters determine that the applicant is eligible to vote, they shall note their decision on the outer envelope of the ballot and open and count the provisional ballot in accordance with the provisions of sections 55 to 61, inclusive, of public act 03-6 of the June 30 special session and procedures prescribed by the Secretary of the State. If the registrars of voters are unable to determine that the applicant is eligible to vote or determine that the applicant is not eligible to vote, the applicant's provisional ballot sealed envelope shall be marked "rejected", along with the reason for such rejection, and signed by the registrars of voters. The registrars of voters shall verify and count all provisional ballots in their town not later than six days after the election or primary. The registrars of voters shall forthwith prepare and sign in duplicate a report showing the number of provisional ballots received from electors, the number rejected and the number counted, and showing the additional votes counted for each candidate for federal office on the provisional ballots. The registrars of voters shall file one report with the town clerk and shall seal one in the depository envelope with the provisional ballots and file such depository envelope with the town clerk. The depository envelope shall be preserved by the town clerk for the period of time required to preserve counted absentee ballots for federal elections. The head moderator shall forthwith file a corrected return for federal offices with the town clerk and the Secretary showing (1) the final votes after any recanvass, pursuant to sections 9-311 to 9-311b, inclusive, the votes on provisional ballots and the totals, and (2) the number of provisional ballots received from electors, the number rejected and the number counted, as reported by the registrars of voters.